

By: Maldonado

H.B. No. 1838

A BILL TO BE ENTITLED

1 AN ACT
2 relating to eligibility for and the establishment of service credit
3 in the Employees Retirement System of Texas for military service.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 813.302, Government Code, is amended by
6 amending Subsections (b) and (d) and adding Subsection (f) to read
7 as follows:

8 (b) A member eligible to establish military service credit
9 is one who:

10 (1) except as provided by Subsection (f), does not
11 receive and is not eligible to receive federal retirement payments
12 based on 20 years or more of active federal military duty or its
13 equivalent;

14 (2) has been released from military duty under
15 conditions not dishonorable; and

16 (3) has credit in the retirement system for membership
17 service performed after the member's date of release from active
18 military duty.

19 (d) Except as provided by Subsection (f), the [~~The~~] state
20 shall contribute for service established under this section an
21 amount in the same ratio to the member's contribution for the
22 service as the state's contribution bears to the contribution for
23 current service required of a member of the employee class at the
24 time the service is established under this section. The state's

1 contribution shall be paid from the fund from which the member
2 receives compensation at the time the service is established or, if
3 the member does not hold a position at the time the service is
4 established, from the fund from which the member received
5 compensation when the member most recently held a position.

6 (f) A member who receives or is eligible to receive federal
7 retirement payments based on 20 years or more of active federal
8 military duty or its equivalent may establish credit under this
9 section by depositing an amount equal to the sum of the amount
10 required of a member under Subsection (c) and an amount equal to the
11 amount that would constitute the state contribution under
12 Subsection (d) if the state were required to make a contribution.
13 The state is not required to make a contribution for the
14 establishment of service credit under this subsection.

15 SECTION 2. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2009.